

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

LISTING OF CLAIMS:

1. (Withdrawn): A method of making a composition for the treatment or prevention of a disease selected from the group consisting of non-insulin dependent diabetes mellitus, syndrome X, hyperlipidaemia, hypertension, hyperinsulinaemia, hypercholesterinaemia, hypertriglycerinaemia, impaired glucose tolerance and related obesity comprising combining phytanic acid or a phytanic acid derivative with a pharmaceutically acceptable carrier.

2. (Withdrawn): A composition for the prevention of non-insulin dependent diabetes mellitus comprising phytanic acid or a derivative thereof.

3. (Withdrawn): A composition according to claim 2 further comprising a pharmaceutically acceptable carrier.

4. (Withdrawn): A composition according to claim 3 wherein the pharmaceutically acceptable carrier is selected from the group consisting of diluent, filler, disintegrate, wetting agent, lubricant, colorant, flavorant, adjuvants, and combinations thereof.

5. (Withdrawn): A composition according to claim 4 wherein the carrier is selected from the group consisting of microcrystalline cellulose, starch, sodium starch

Application No.: 10/766,118

Amendment Dated: December 8, 2005

Reply to Office Action Dated: October 27, 2005

glycolate, polyvinylpyrrolidone, polyvinylpolypyrrolidone, magnesium stearate, sodium lauryl sulfate, sucrose, and combinations thereof.

6. (Withdrawn): A composition according to claim 2 comprising from about 0.1 to about 1000 mg of phytanic acid or a derivative thereof.

7. (Withdrawn): A composition according to claim 6 comprising from about 0.1 to about 500 mg of phytanic acid or a derivative thereof.

8. (Withdrawn): A composition according to claim 7 comprising from about 0.1 to about 100 mg of phytanic acid or a derivative thereof.

9. (Withdrawn): A dietary supplement comprising a composition according to claim 2.

10. (Currently amended): A method of treating or inhibiting preventing non-insulin dependent diabetes mellitus comprising administering to a human or an animal an effective dose of a pharmaceutical composition or a dietary supplement comprising from about 0.1 to about 1000 mg of phytanic acid or a derivative of phytanic acid.

11. (Previously presented): A method according to claim 10 wherein the phytanic acid derivative is derived from phytanic acid.

12. (Previously presented): A method according to claim 10 wherein the phytanic acid derivative is derived from phytenic acid.

13. (Previously presented): A method according to claim 10 wherein the phytanic acid derivative is selected from the group consisting of phytanic esters, phytanic amides, hydroxy-phytanic esters, hydroxy-phytanic amides, hydroxy-phytenic acid, and combinations thereof.

14. (Withdrawn): A method for increasing cellular glucose uptake comprising administering to an animal or a human in need of increased cellular glucose uptake a phytanic acid derivative or a phytanic acid precursor in an effective amount to increase cellular glucose uptake.

15. (Withdrawn): A method according to claim 14 wherein the effective amount of the phytanic acid derivative or phytanic acid precursor induces a gene selected from the group consisting of GLUT-1, GLUT-2, GLUT-4, glucokinase, and combinations thereof to increase cellular glucose activity within the animal or human.

16. (Withdrawn): A method according to claim 14 wherein the effective amount of the phytanic acid derivative or phytanic acid precursor is from about 0.1 to about 50 mg/kg body weight/day.

17. (Withdrawn): A method according to claim 16 wherein the effective amount of the phytanic acid derivative or phytanic acid precursor is from about 0.5 to about 40 mg/kg body weight/day.

18. (Withdrawn): A method according to claim 17 wherein the effective amount of the phytanic acid derivative or phytanic acid precursor is from about 1.0 to about 20 mg/kg body weight/day.

19. (Withdrawn): A method of reducing plasma insulin comprising administering to a mammal a plasma insulin reducing amount of a composition comprising phytanic acid or a derivative thereof.

20. (Previously presented): A method according to claim 10, wherein the effective dose is from about 0.1 to about 500 mg.

21. (Previously presented): A method according to claim 10, wherein the effective dose is from about 0.1 to about 100 mg.

22. (Previously presented): A method according to claim 10, wherein the effective dose results in a daily dose of the phytanic acid of about 0.1 to about 50 mg/kg body weight.

23. (Previously presented): A method according to claim 10, wherein the effective dose results in a daily dose of the phytanic acid of about 0.5 to about 40 mg/kg/day.

24. (Previously presented): A method according to claim 10, wherein the effective dose results in a daily dose of the phytanic acid of about 1.0 to about 20 mg/kg/day.